

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tessa Yesselman	Team: Squad #12	CCRB Case #: 201601274	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 02/16/2016 9:15 PM	Location of Incident: [REDACTED]	Precinct: 75	18 Mo. SOL 8/16/2017	EO SOL 8/16/2017	
Date/Time CV Reported Wed, 02/17/2016 11:55 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/17/2016 11:55 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT Henry Daverin	03631	945645	075 PCT
2. POM Matthew Solomito	25805	951284	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Tony Cuoco	17359	950261	075 PCT
2. POM Michael Seiger	16689	952225	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Henry Daverin	Abuse: Sgt. Henry Daverin threatened § 87(2)(b) with the use of force.	[REDACTED]
B.POM Matthew Solomito	Discourtesy: PO Matthew Solomito spoke discourteously to § 87(2)(b)	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

On February 17, 2016, § 87(2)(b) filed the following complaint with the CCRB via telephone.

On February 16, 2016, at approximately 9:15 PM, in the vicinity of Bradford Street and Livonia Avenue in Brooklyn, § 87(2)(b) was issued a summons for parking at a fire hydrant by PO Tony Cuoco. § 87(2)(b) exited his vehicle in an effort to obtain the name of the officers, and Sgt. Henry Daverin allegedly said, “Step back in to your vehicle before you get hurt” (**Allegation A**). Neither PO Cuoco nor Sgt. Daverin had blank summonses, so another unit was called to the scene. PO Matthew Solomito and PO Michael Seiger responded, and PO Solomito allegedly told § 87(2)(b) to stop breaking the “fucking” law (**Allegation B**).

A VTL summons for blocking a fire hydrant was issued during the course of this incident (**02 Board Review**).

There is no video footage regarding this incident.

Mediation, Civil and Criminal Histories

- § 87(2)(b) accepted mediation, however due to delays incurred in identifying the involved officers, this complaint was investigated.
- As of May 12, 2016, a FOIL request to the Office of the Comptroller is pending.
- § 87(2)(b) has no prior criminal convictions in New York State (**07 Board Review**).

Civilian and Officer CCRB Histories

- § 87(2)(b) was the complainant in CCRB case number 9602134. This case was administratively closed (**10 Board Review**).
- Sgt. Daverin has been a member of service for eight years and has thirty three previous allegations, with no previous allegations of threat of force. § 87(4-b), § 87(2)(g)
- PO Solomito has been a member of service for four years. This is the first CCRB case brought against him.

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) alleged that an officer who arrived in an additional police vehicle and exited from the passenger side of the police vehicle spoke discourteously to him (**01 Board Review**).

PO Solomito was the passenger of the vehicle that responded to the incident location to bring Sgt. Daverin and PO Cuoco a blank summons. PO Solomito acknowledged exiting the vehicle from the passenger side, and handing the blank summons to Sgt. Daverin and PO Cuoco (**05 Board Review**). Therefore, **Allegation B** has been pled against him.

Allegations not pleaded

- **Abuse of Authority:** § 87(2)(b) was issued a summons for blocking a fire hydrant (**02 Board Review**). § 87(2)(b) denied being parked in front of the hydrant, and stated that

his car was on and he was only momentarily stopped in front of the hydrant because he was dropping his cousin off at home **(01 Board Review)**. This is a summons dispute and thus a vehicle stop was not pled.

Allegation A –Abuse of Authority: Sgt. Henry Daverin threatened § 87(2)(b) with the use of force.

§ 87(2)(b) stated that he exited his vehicle because he wanted to read Sgt. Daverin’s name and shield number off of his shirt, and wanted to write down the license plate number of the vehicle Sgt. Daverin and PO Cuoco were driving. Sgt. Daverin told § 87(2)(b) to step back in to his vehicle before he got hurt **(01 Board Review)**.

Sgt. Daverin stated that § 87(2)(b) exited his vehicle as Sgt. Daverin and PO Cuoco were walking back to their vehicle, and yelled at Sgt. Daverin and PO Cuoco that they were “cornballs.” Sgt. Daverin did not respond to § 87(2)(b) and did not tell him to get back in to his vehicle before he got hurt, or otherwise threaten § 87(2)(b) with the use of force **(04 Board Review)**.

PO Cuoco did not recall § 87(2)(b) exiting his vehicle. PO Cuoco did not hear Sgt. Daverin tell § 87(2)(b) to get back in to his vehicle before he got hurt, or otherwise threaten § 87(2)(b) with the use of force **(03 Board Review)**.

§ 87(2)(g)

Allegation B –Discourtesy: PO Matthew Solomito spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that an additional police vehicle arrived at the incident location and two officers, identified by the investigation as PO Solomito and PO Seiger, exited the vehicle. PO Solomito exited the passenger side of the police vehicle and yelled at § 87(2)(b) to stop breaking the “fucking” law **(01 Board Review)**.

PO Solomito and PO Seiger both responded to the incident location to bring PO Cuoco and Sgt. Daverin blank summonses **(05 Board Review, 06 Board Review)**. PO Solomito denied telling § 87(2)(b) to stop breaking the “fucking” law, and denied having any verbal interaction with § 87(2)(b) **(05 Board Review)**. PO Seiger could not recall if he exited the police vehicle, but he stated that he had no verbal interaction with § 87(2)(b) and he did not hear any officer say to stop breaking the “fucking” law **(06 Board Review)**.

Neither Sgt. Daverin nor PO Cuoco heard any officer tell § 87(2)(b) to stop breaking the “fucking” law **(04 Board Review, 03 Board Review)**.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date